PREAMBLE

We, the Alaska Native /Aleut People/ of Sand Point, Alaska, citizens of the United States and descendants of the original inhabitants of this land (Shumagin Islands, Sanak Islands and Pavlof Islands), having common bonds of ancestry, culture and community identity, in order to implement our inherent right of self-government and self-determination as an Alaska Native people and to further our political, social, cultural and economic progress, do hereby establish this Constitution.

ARTICLE I. NAME

This official name of the Tribe shall be the Qagan Tayagungin Tribe of Sand Point.

ARTICLE II. TERRITORIAL JURISDICTION

The territorial jurisdiction of the Qagan Tayagungin Tribe of Sand Point shall extend from the South end of Kodiak (50.60 N. Lat 254.50 W. Long.) to the end of the Aleutian chain (53 N. Lat. 172.50 E. Long.) and to include the 200 Mile limit and any other land acquiring by this village, and any other lands that may not have been listed but lies in these boundaries shall be included to the extent permitted by applicable law. The Tribal Council may, by ordinance, further define the exact geographical boundaries of such territorial jurisdiction as may be found to exist under federal law.

ARTICLE III. MEMBERSHIP

Section 1. Base Membership. All persons of Aleut descent whose names appear on the 1984 Sanak Corporation and 1989 Shumagin corporation ANCSA rolls and all persons of American Indian and Alaska Native descent who are residents within the territorial boundaries of Qagan Tayagungin Tribe of Sand Point who are not members or any other American Indian or Alaska Native Tribe.

Section 2. The Base Roll. The Base Roll is to be certified by the Tribal Council within 30 days of the adoption of this Constitution. Once the Base Roll is certified, it cannot be changed from that date forward. Any additions of new members or corrections of structural errors on the base roll shall appear on the current tribal membership roll which shall be updated on a regular basis.

Section 3. Current Roll/Non-Base Membership. A current tribal membership roll shall be maintained and updated on a regular basis. Aleut descendants of base roll members and other Alaska Native Aleuts shall be eligible for enrollment in the Qagan Tayagungin Tribe of Sand Point.

Section 4. Dual Membership Prohibited. No person may be a member of the Qagan Tayagungin Tribe of Sand Point who is also an enrolled member of another federally recognized Alaska Native or American Indian Tribe. Persons whose dual enrollment has been verified by affidavit shall be noticed by certified mail and given thirty (30) days to prove they are no longer dually enrolled. Failure to respond within thirty (30) days shall result in automatic removal from the membership rolls of the Tribe. A person who has been removed may be eligible to reapply for enrollment to the Qagan Tayagungin Tribe, provided they prove that they have relinquished enrollment in any other Tribe and meet any other existing membership criteria as established by this Constitution or Tribal ordinance. Administrative actions made under this section shall be appealable directly to the Tribal Council, whose decision shall be final and non-appealable.

Section 5. Honorary Members. Person not eligible for membership may be designated honorary members by the Tribal Council. Honorary members may not hold office, do not have the right to vote, and do not become eligible for tribal benefits by reason of the honorary membership.

Section 6. Membership Rules & Regulations. The Council shall be vested with authority to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, adopting of members and such other matters as the Council may from time to time deem it necessary and appropriate to act upon.

ARTICLE IV. TRIBAL COUNCIL

Section 1. Name The governing body of the Qagan Tayagungin Tribe of Sand Point shall be the Qagan Tayagungin Tribal Council, hereinafter referred to as the Council.

Section 2. Composition The Council shall consist of seven members of the Tribe who shall be elected by a majority vote of the eligible voters at the annual election. Council members shall take office immediately upon certification of the election.

Section 3. Officers. The Council shall include a president, vice-president, secretary and a treasurer. The secretary and treasurer may be the same person. Officers shall be selected by the Council from among its elected members immediately following certification of each annual election.

Section 4. Term of Office. At the first annual election the members shall elect seven Council members. At the first meeting of the newly elected Council, the Council members shall provided for staggered terms by drawing lots so that three members shall serve a term of three (3) years, two Council members shall serve a term of two (2) years and two council members shall serve term of one (1) year. Council member terms that expire in 1991 and 1992 shall be filled at the appropriate annual election, until all Council members are serving staggered three (3) year terms. Each Council member shall hold office for the term of which he/she is elected and until his/her successor is elected and qualifies. The three-year term of office shall not be read literally, but shall mean that period of time which most closely coincides with the annual elections held at the end of such terms.

ARTICLE V. ANNUAL ELECTION OF TRIBAL OFFICIALS

Section 1. Voter Qualifications. Any member of the Qagan Tayagungin Tribe of Sand Point who as reached the age of eighteen (18) or older prior to the election and who has resided in Sand Point for one (1) year immediately preceding the election, shall be eligible to vote in all tribal elections.

Section 2. Elections

(a) **General Elections.** The general election of Council members and officers shall occur on or around the [add date], unless otherwise called by the Council. Notice of the election shall be given at least thirty (30) days in advance by public posting in all customary places.

(b) **Special Elections.** The Council may call elections for any proper and necessary purpose, provided at least fifteen (15) days notice of such special election is provided by public posting in all customary places.

Section 3. Notice. The Council shall publicize all tribal elections in a manner reasonably designed to give all Tribal residents notice no more than 45 days but no less than 15 days before the election.

Section 4. Secret Ballot. All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot.

Section 5. Absentee Ballot. Any member who has to be away temporarily or is incapacitated due to illness, or physical problems may request to vote by absentee ballot. Absentee ballots shall be counted prior to the certification of the election.

Section 6. Election Committee. Prior to any Tribal election the Council shall appoint responsible person to supervise, administer and conduct the election. The Council shall establish by appointment, a new election committee prior to each election. Members of the election committee shall not be members of the Tribal Council.

Section 7. Qualifications of Candidates. Any enrolled member of the Qagan Tayagungin Tribe who is at least eighteen (18) years of age and who has resided in Sand Point at least one (1) year immediately preceding the election shall be eligible as a candidate for election.

Section 8. Candidates. Shall file a petition of candidacy according to the ordinances set forth by the election committee and approved by the Tribal Council.

Section 9. Election Ordinance. The Council shall be the power to enact an election ordinance, not inconsistent with the Constitution, to address the specifics of election rules and procedures.

ARTICLE VI. DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the community and of the Council and shall execute on behalf of the Tribe all contracts, leases, or other formal documents approved by the Council. The President shall vote in matters before the Council. He/she shall have the general supervision of all other officers, employees and committees of the Tribe and see that their duties are properly performed. When the Council is not is session, the president shall be the official representative of the Tribe.

Section 2. Vice-President. The Vice President shall assist the President when called upon to do so, and as delegated by the President, in his or her absence shall preside at meetings or assume the other functions and responsibilities normally held by the President. When acting on behalf of the President, he/she shall preside and when so presiding shall have all the rights, duties, privileges and responsibilities of the President. In matter of emergency, the Vice President may act on behalf of the President without a specific delegation of authority if approved by a majority of the Council.

Section 3. Secretary. The Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. He/she shall maintain in permanent form all minutes, resolutions, ordinances and rules of the Tribe, which shall be available to members upon request. He/she shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council.

Section 4. Treasurer. The treasurer shall carry out the financial directives of the Council, receive and safeguard all monies of the Council and keep an accurate account of receipts and disbursements. He/she shall report to the Council all receipts and expenditure and the amount and nature of all Council funds. Funds shall be deposited in a bank approved by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with an annual budget approved by the Council.

ARTICLE VII. REMOVAL, RECALL, FORFETURES AND VACANCIES

Section 1. Removal for Misconduct or Neglect. Any Council member or other official found guilty by the Council of behavior involving gross misconduct in office, serious neglect of duty, or any serious offense involving dishonesty may be removed from office by a vote of at least four members of the Council. Voting must be by secret ballot and the accused, if a Council Member, is not entitled to vote. Before any

vote for removal is taken, the accused must be given ten (10) days notice in writing to answer such charges before the Council. No member of the Council may vote at or preside over the meeting at which he or she is the subject of the removal action. If the person charged fails to appear before the Council without good cause, the Council shall proceed to vote on the matter.

Section 2. Recall. Eligible voters shall have the power to remove any member of the Council by recall. The process shall be initiated by giving a petition asking for such a removal to the Council. The petition must be signed by at least twenty (20%) percent of the eligible voters and must set forth the reasons for the petition. The Council must hold a community election to consider the recall within thirty (30) days of receipt of the petition. At least thirty (30%) percent of the eligible voters must vote for the election to be binding. Once a person has been subjected to recall proceeding, that person shall not again be the subject of such action based on substantially the same set of facts during the time he or she remains in office.

Section 3. Forfeiture. If any member of the Council shall be found guilty of a felony in any federal or state court, found to be dually enrolled under the procedures set forth in Article III, Section 4, resigns, dies, or departs from the Village of Sand Point with the intent of remaining absent more than ninety days or is absent for three (3) consecutive meetings without being excused by the President, with consensus by the Council, or changes his or her residence, the member shall automatically forfeit their office (if any) and membership on the Council.

Section 4. Vacancies. Any office which has been vacated under Section 1,2 or 3 above, shall be filled by appointment of a qualified voting member by a majority vote of the remaining Council whether consisting of a quorum or not and such replacement shall serve until the vacant term is expired. Where four (4) or more members of the council have been successfully recalled, an election shall be called within 45 days to fill the seats of recalled members, and recalled members shall remain in office until the special election is certified.

ARTICLE VIII. TRIBAL COUNCIL MEETINGS

Section 1. Regular Council Meetings. Regular meetings of the Council shall be held monthly or at such time, place and date to be designated by the Council. A quorum of the Council for holding meetings shall consist of four members of the Council. No business shall be conducted unless a quorum of 4 members is present.

Section 2. Special Council Meetings. Special meetings of the Council may be called by the President or upon request of at least four members of the Council. When so called, the Council shall have power to transact business as in regular meetings. Quorum requirements for special meetings shall be the same as for Regular Council meetings.

Section 3. Conflict of Interest. No Council member may vote on any matter pertaining specifically to his/her or when an immediate family member has a significant financial interest. Nothing herein bars a Council member from voting on a matter in which the benefit to him/her is in common with that of the Tribal members at large, or bars a Council member or a member of his/her family from employment by the Tribe. Immediate family members are defined as father, mother, brother, sister, wife, husband, son, daughter, or anyone residing in the Council member's household.

Section 4. Open Meetings. All meetings of the Council shall be open to all tribal members provided that the Council may recess at their discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session. Annual or special membership meetings shall be open to all tribal members.

Section 5. Decisions. Final decisions of the Council on matters of permanent interest, such as the passage of Tribal laws and regulations, shall be by ordinance. Final decisions of the Council on matters of temporary interest may be by resolution.

Section 6. Parliamentary Procedures. All meetings shall be conducted in accordance with Robert's Rules of Order or other rules adopted by the Council.

Section 7. Notice. Council meetings shall require a minimum of 24 hours notice. Attendance of any member at a meeting shall constitute a waiver of this requirement unless the member attends solely for the purpose of objecting to lack of notice.

ARTICLE IX. MEMBERSHIP MEETINGS

Section 1. Regular Membership Meetings. Regular meeting of the general membership of the Qagan Tayagungin Tribe of Sand Point shall be held at least once annually, the date, time and place to be established by the Council. A quorum of the general membership at all membership meetings shall consist of twenty percent of eligible voters.

Section 2. Special Membership Meetings. Special meetings of the general membership shall be called by the President upon receipt of a petition signed by at least twenty percent of the eligible voters; or upon request of at least 4 members of the Council. Quorum requirements for special meetings shall be the same as for Regular membership meetings.

Section 3. Open Meetings. Annual or special membership meetings shall be open to all tribal members.

Section 4. Decisions. Unless otherwise specified by this Constitution, all matters put to a vote of the membership at annual or special meetings shall be decided by a majority vote of those present and voting.

Section 5. Parliamentary Procedures. All meetings shall be conducted in substantial accordance with Robert's Rules of Order or other rules adopted by the Council.

Section 6. Notice. All meetings of the membership must be publicized by the Council no more than 45 days but not less than 15 days in advance.

ARTICLE X. POWERS

Section 1. General Powers. Except as specifically limited by this Constitution, the inherent powers of the Tribe shall be exercised by the elected Council, and shall include, but not necessarily be limited to the following:

(a). To negotiate with Federal, State and Local governments and others on behalf of the Tribe and to advise and consult with representatives of the United States government on all activities which may affect the Tribe.

(b). To acquire, manage, lease, use and contract tribal real property and other tribal assets, together with all improvements which may be acquired by the Tribe from with United States government or elsewhere. Management use, lease or contracts on Tribal lands shall be for such uses, purposes and terms not inconsistent with applicable laws.

(c). To prevent the sale, disposition, encumbrance or any other taking of tribal lands, interest in lands, or other tribal assets, without the consent of the Tribe.

(d). To employ legal counsel.

(e). To administer any funds within the control of the Tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved annually by tribal Council resolution. The amounts so expended shall be a matter of record available to all tribal members at all reasonable times.

(f). To determine it own rules of procedure.

(g). To pass ordinances that: govern the domestic relationship of members; provide for membership rules and procedures; provide for election rules and procedures; govern the conduct of all persons, and regulate all property within the Tribes jurisdiction to the fullest extent allowed under applicable federal and tribal law; provide for administration of justice and maintenance of law and order; promote the social and economic welfare of the Qagan Tayagungin People, establish Tribal Court procedures; and for any other purpose or purposes not inconsistent with this Constitution.

(h). To engage in tribal economic and social development activities.

(i). To charter and regulate subordinate organizations and cooperative associations.

(j). To protect any fish and game rights that the Tribe or tribal membership may have.

(k). To encourage and foster the arts, crafts, traditions, language and culture of the Tribe.

(l). To acquire property and accept gifts.

(m). To charter enterprises, corporations and associations.

(n). To promote the peace, safety and general welfare of the members of the Tribe.

(o). Te enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by this Constitution.

Section 2. Powers Reserved to the Members. Any inherent or delegated rights and powers not hereto delegated are reserved to the membership of the Qagan Tayagungin Tribe of Sand Point. All powers to tax may be exercised only by referendum or initiative acted upon by the eligible voters of the Tribe.

Section 3. Sovereign Immunity. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Qagan Tayagungin Tribe of Sand Point, which may only be waived by express resolution of the Council, and only to the extent specified in such resolution and permitted, by this Constitution and federal law. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds of the Tribe subject to the waiver, if any, as well as specific as to applicable law and the court having jurisdiction over the subject matter of the waiver. Waiver of the sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgment, lien or attachment upon property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE XI. POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The eligible voters of the Tribe shall have the right to propose legislation or other community action by initiative. Upon receipt of a petition signed by at least twenty percent (20%) of the eligible voter, the Council shall call an election to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot. The initiative shall pass upon a majority vote in an election in which at least thirty percent (30%) of the eligible voters have voted.

Section 2. Referendum. The Council may call an election for the purpose of deciding any issue or question which is within the authority of the Council. The referendum shall pass upon a majority vote in an election in which at least thirty percent (30%) of the eligible voters have voted.

Section 3. Voter Decision Binding. The decision of the majority of voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE XII. RIGHTS OF MEMBERS

Section 1. Rights and Privileges. All members of the Tribe shall enjoy without hindrances their rights as citizens of the United States.

Section 2. Indian Civil Rights Act. In exercising its power of self-government the Tribe shall comply with the provisions of the Indian Civil Right Act, .25 USC 301, et. Seq., and not infringe the individual liberties guaranteed therein.

Section 3. Right to Inspect Records. Members of the Tribe shall have the right to review all public records such as minutes from Council meetings, financial reports and the Constitution of the Qagan Tayagungin Tribe of Sand Point. Procedures for reviewing the records shall be set by the Tribal Council.

ARTICLE XIII. TRIBAL COURTS

Section 1. Establishment of an Independent Tribal Court or Other Judicial Bodies. The Council may, by ordinance or code, establish an independent judicial system for the Qagan Tayagungin Tribe of Sand Point. If, established, such system shall promote the separation of powers between the executive and legislative functions of the Council and the judicial functions of the court or other established decision-making bodies. Upon establishment, such independent judicial bodies as may exist shall be vested with the power of "judicial review," as that power has been defined by the Courts of the United States. Until such time as the Tribal Council shall determine that an independent judiciary is established and adequately functioning to meet the need of the Tribe, the Council may at its discretion act in the capacity of a tribal court to resolve those matters that may be within its jurisdiction. Any judicial system established pursuant to this Article shall include the periodic ratification or retention of judges by the membership through the general election process, as well as a membership initiated recall process. Absent adoption of the Tribal Court Ordinance by the Council, the Tribal Court structure in effect at the time this Constitution is approved shall remain in effect.

Section 2. Regional or Sub-Regional Courts. The Tribal Council may, by resolution or ordinance, authorize the participation of the Qagan Tayagungin Tribe of Sand Point in such Aleut regional or sub-regional tribal courts systems as may, in the Council's discretion, best meet the needs of members and the Tribe. Any such authorizations by the Council under this section shall clearly and expressly set forth the specific subject matter, personal and all other jurisdictional limits, which the regional or sub-regional court may exercise on behalf of the Tribe.

ARTICLE XIV. SAVINGS CLAUSE

Section 1. Existing Law Remains in Effect. To the extent not inconsistent with this Constitution, all previous ordinances and resolutions adopted by the Council or membership of the Tribe and all customary tribal law shall remain in effect following the adoption of this Constitution.

Section 2. Revisions. In the event of future Constitutional revisions, all previous ordinances, resolution and customary tribal laws shall remain in effect to the extent that they are consistent with the new Constitution or amendments.

ARTICLE XV. SEVERABILITY

If any provision of this Constitution should be declared invalid by a federal or Tribal court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XVI. CONSITITUTIONAL AMENDMENTS

This Constitution may be amended by a majority vote of the eligible voters, as defined in this Constitution, at a meeting called for that purpose in which at least twenty (20%) percent of eligible members vote. The vote on any proposed amendment may take place at the annual membership meeting or a special meeting called specifically for this purpose.

ARTICLE XVII. ADOPTION

Section 1. Effective Date. The Constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in this Constitution, at an election or meeting called for that purpose in which at least twenty (20%) percent of eligible members vote.

ARTICLE XVIII. CERTIFICATE OF ADOPTION

This Constitution of the Qagan Tayagungin Tribe of Sand Point was submitted for adoption to the qualified voters for the Qagan Tayagungin Tribe and was duly adopted by a vote of 33 for, and 2 against, in an election in which at least Twenty percent (20%) of the Tribe a entitled to vote, cast their ballots on 03 / 13 /2004.

SIGNATURES OF ELECTION COMMITTEE

Dorothy McCallum
CHAIRMAN

Diane Wilder

Glen Gardner Jr.

Susan McGlashan

David O. Osterback

Peter Devine Jr.

Rosi [illegible]